

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
NEW YORK, NY

**IN THE MATTER OF:** : **Proceedings Pursuant To**  
: **Section 1431 of the Safe Drinking**  
***HURRICANE MARIA AND*** : **Water Act, 42 U.S.C. § 300i**  
***HURRICANE IRMA*** :  
***SAINT THOMAS, SAINT JOHN,*** :  
***and SAINT CROIX, U.S. VIRGIN*** :  
***ISLANDS*** : **EMERGENCY**  
: **ADMINISTRATIVE ORDER**  
**U.S. Federal Emergency** :  
**Management Agency, U.S.** :  
**Department of Defense,**  
**Respondents.**

I. STATUTORY AUTHORITY

1. This Order is issued under the authority vested in the Administrator of the EPA by Section 1431 of the Safe Drinking Water Act (“SDWA”), 42. U.S.C. § 300i. This Order is issued for the purpose of protecting the health of persons on Saint John, Saint Thomas, and Saint Croix (hereinafter collectively referred to as the “U.S. Virgin Islands” or “USVI”). Due to the impacts of Hurricanes Irma and Maria (hereinafter, “the Hurricanes”) on the public drinking water supply of the USVI, conditions exist that may present an imminent and substantial endangerment to human health.

II. FINDINGS OF FACT

2. On September 19-20, 2017, Hurricane Maria made landfall on the island of Saint Croix, U.S. Virgin Islands. On approximately September 6, 2017, Hurricane Irma made landfall on the islands of Saint John and Saint Thomas.
3. As a result of the Hurricanes, contaminants are likely to enter public water systems or ground water that serves as a source of drinking water for the residents of USVI.
4. Virgin Islands Water and Power Authority (“VIWAPA”) owns and operates a public water system on the islands.

5. As a result of the Hurricanes, VIWAPA's public water system is currently not in operational condition. The existing public water system has been significantly impacted by the Hurricanes and subsequent flooding, including loss of electrical power, and, thus, is not yet fully able to provide adequately treated water to meet the needs of those affected areas.
6. In light of the storms' impact on communications infrastructure in the USVI, it has been impracticable for EPA to consult with the State and local authorities in order to confirm the correctness of the information on which this action is based. EPA will continue to attempt to communicate with VIWAPA and the USVI government regarding the drinking water supply, including the issuance of a boil-water notice to the extent appropriate.
7. To the best of EPA's knowledge, because of the ongoing impacts of the Hurricanes, the USVI and local authorities have not been able to take action to protect the health of USVI residents regarding the drinking water supply.
8. EPA finds that contaminants, including pathogens, are likely to enter the public water system or underground source of drinking water, which may present an imminent and substantial endangerment to the health of persons and that there is little or no treated water available for human consumption on many areas of the USVI.
9. The Federal Emergency Management Agency ("FEMA") has the responsibility for coordinating government-wide relief efforts. It is designed to bring an orderly and systematic means of federal natural disaster assistance for state and local governments in carrying out their responsibilities to aid citizens.
10. The U.S. Department of Defense ("DOD") is working with FEMA on the USVI to facilitate emergency operations in the wake of the Hurricanes.
11. Under the foregoing circumstances, EPA has determined that authorizing FEMA and DOD (collectively, "Respondents") to install and operate the proposed temporary water treatment units, described below, in response to the Hurricanes is necessary to protect public health.

12. This Order and the requirements set forth herein are necessary to ensure adequate protection of public health on the USVI.

### III. CONCLUSIONS OF LAW

13. Section 1431(a) of the Safe Drinking Water Act, 42 U.S.C. § 300i(a), specifies that the EPA Administrator, upon receipt of information that a contaminant is likely to enter a public water system or an underground source of drinking water, which may present an imminent and substantial endangerment to the health of persons, and that State and local authorities have not acted to protect the health of such persons, may take such actions as he may deem necessary to protect the health of such persons.
14. FEMA and DOD are “persons” as defined in SDWA Section 1401(12).
15. Pathogens are “contaminants” that are within the meaning of SDWA Sections 1401(c)(6) and 1431 of the Act.
16. The contaminants are likely to enter a public water system or an underground source of drinking water.
17. EPA has made every practicable effort to consult with the State and local authorities, to confirm the correctness of the information upon which this ORDER is based and to ascertain the actions which such authorities are or will be taking. All requisite conditions have been satisfied for the EPA action under SDWA Section 1431(a), 42 U.S.C. § 300i(a).
18. The EPA finds that there is an imminent and substantial endangerment to the people of the USVI related to the lack of safe drinking water because of impact from the Hurricanes.

### IV. ORDER

Based on the foregoing Findings and Conclusions, and pursuant to Section 1431 of the Act, 42 U.S.C. 300i, IT IS ORDERED:

19. Respondents are hereby authorized to provide water for human consumption to the public in the USVI through emergency temporary water treatment systems (“Emergency Systems”) under the

circumstances outlined in this Section. These Emergency Systems may only be used in areas where the existing USVI public water system supplying that area is not operational. Once the public water system that services such area is operational again and approved for human consumption, the Emergency Systems must be discontinued and disconnected.

20. All chemicals used in the treatment of water or to maintain the Emergency Systems shall meet the standards of the National Sanitation Foundation for potable water applications. The Emergency Systems must be sanitized prior to operation.
21. The Emergency Systems must be operated by trained and experienced operators in accordance with industry standards and manufacturer recommendations.
22. When operating the Emergency Systems, Respondents must make best efforts to add chlorine and maintain a chlorine residual that is greater than 0.5 milligrams per liter. Respondents may use an alternative disinfectant so long as it is in accordance with Paragraph 20 and a residual is maintained.
23. Until such time as Respondents have added disinfectant in accordance with Paragraph 22, **anyone receiving water from Respondents must be advised that the water needs to be boiled before consumption.**
24. The Emergency Systems must be monitored for the following:
  - a. Total coliform (including fecal coliform and E coli) = 0.
  - b. Respondents shall coordinate with EPA regarding the monitoring of total coliform.

#### V. PARTIES BOUND

25. The provisions of this Order shall apply to and bind Respondents and their officers, employees, agents, successors and assigns.

#### VI. GENERAL PROVISIONS

26. All submittals and inquiries pursuant to this Order shall be addressed to:

Douglas McKenna, Chief  
Water Compliance Branch  
Division Enforcement Compliance Assistance

USEPA Region 2  
Telephone: 212-637-4244  
Email: [Mckenna.douglas@epa.gov](mailto:Mckenna.douglas@epa.gov)

Douglas Pabst, Chief  
Drinking Water and Municipal Infrastructure Branch  
Clean Water Division  
USEPA Region 2  
Telephone: 212-637-3797  
Email: [pabst.douglas@epa.gov](mailto:pabst.douglas@epa.gov)

27. EPA retains all of its information gathering, inspection and other authorities and rights, including the right to bring enforcement actions related thereto, under SDWA and any other applicable statutes or regulations.
28. Compliance with the terms and conditions of this Order shall not in any way be construed to relieve Respondents of their obligations to comply with other applicable provisions of federal, state, or local law, nor shall it be construed to be a determination of any issue related to any federal, state, or local permit.
29. EPA may modify this Order to ensure protection of human health and the environment. Such modification shall be in writing and shall be incorporated into this Order.

#### VII. EFFECTIVE DATE

30. Under SDWA Section 1431, 42 U.S.C. § 300i, this Order shall be effective immediately. The authorization provided by Section IV, above, extends for 15 calendar days from the date of this Order. EPA will reassess the situation during this time and may extend the duration of this authorization.
31. If modifications are made by the EPA to this Order, such modifications will be in writing and effective on the date received by Respondents.

#### VIII. TERMINATION

32. The provisions of this Order shall be deemed satisfied upon Respondents' receipt of written notice from the EPA that: (i) Respondents have demonstrated, to the satisfaction of the EPA, that the terms

of this Order, including any additional tasks determined by EPA to be required under this Order or any continuing obligation or promises, have been satisfactorily completed, or (ii) the Order is no longer necessary.

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Date

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Walter Mugdan,  
Acting Deputy Regional Administrator  
Region 2  
U.S. Environmental Protection Agency

of this Order, including any additional tasks determined by EPA to be required under this Order or any continuing obligation or promises, have been satisfactorily completed, or (ii) the Order is no longer necessary.

Sept. 23, 2017

Date

A handwritten signature in black ink, appearing to read "Walter Mugdan", written over a horizontal line.

Walter Mugdan,  
Acting Deputy Regional Administrator  
Region 2  
U.S. Environmental Protection Agency